



Department of Defense (DoD)

Freedom of Information Act

Program Report

for

Fiscal Year (FY) 1999



Prepared By:

**The Directorate for Freedom of Information
and Security Review (DFOISR)**

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**FREEDOM OF INFORMATION ACT
ANNUAL REPORT
FISCAL YEAR 1999**

(Report Period: October 1, 1998 through September 30, 1999)

EXECUTIVE SUMMARY

During the report period, fiscal year (FY) 1999, a total of 97,171 public requests for records under the Freedom of Information Act (FOIA) were completed by the Department of Defense (DoD). In the processing of these cases, the Department of Defense fully denied 2,147 and partially denied 11,742 out of 97,171 requests on the basis of FOIA exemptions. Of those exemptions, 7% were for classified information; 6% for internal rules and practices; 5% for statutory exemptions; 6% for proprietary data; 11% for deliberative material; 37% for privacy information; and 28% for law enforcement investigations. Thirty-one thousand two hundred sixty six (31,266) requests could not be filled in whole or in part for other reasons, such as lack of records, referral to another agency, or lack of specificity sufficient to identify the requested records. There were 1,067 actions taken on appeals of denied requests (50 granted, 177 partially denied, 575 fully denied, and 265 not filled for other reasons, as mentioned earlier).

The total DoD operating cost associated with the processing of requests during this report period was \$32,618,179.33. The average cost of processing a single case during this period was approximately \$336.00. Fee collections for records provided to the public amounted to \$834,816.23 (2.6% of total program cost).

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Item I.

Basic Information Regarding the Report

- A. Title, address, and telephone number of person to be contacted with questions about the report:

Write to: Chief, Program Management Division (PMD)
Directorate for Freedom of Information & Security Review
1155 Defense Pentagon
Washington, DC 20301-1155

Telephone: (703) 695-4773

Name of Incumbent Chief, PMD: LTC J. F. Deming, U. S. Army

- B. The electronic address (Universal Resource Line, URL) for this report is:

<http://www.defenselink.mil/pubs/foi/99report/>

- C. You may obtain a paper copy of DoD's Annual FOIA Report for Fiscal Year 1999 by writing to the above address and asking for a copy. A FOIA request is not necessary. Please include a mailing address.

Item II.

How to Make a FOIA Request

The Department of Defense (DoD) Freedom of Information Act Handbook provides basic information about how to make a Freedom of Information Act (FOIA) request and general information about the Freedom of Information Act Program within the Department of Defense (DoD). This document also contains DoD component addresses, a brief description of response times, and the reason why some requests are not granted. The DoD Freedom of Information Act Handbook can be found at:

<http://www.defenselink.mil/pubs/foi/foiapam3.pdf>

Item III.

Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

1. The Military Departments.

- a. The Department of the Army: Dept Army.
- b. Department of the Navy: Dept Navy. The United States Marine Corps, USMC, is a part of the Department of the Navy.
- c. Department of the Air Force: Dept Air Force.

2. Other Defense Agencies and Activities.

- a. Defense Contract Audit Agency: DCAA.
- b. Defense Finance and Accounting Service: DFAS.
- c. Defense Information Systems Agency: DISA.
- d. Defense Intelligence Agency: DIA.
- e. Defense Logistics Agency: DLA.
- f. Defense Security Service: DSS. Formerly Defense Investigative Service, DIS.
- g. Defense Threat Reduction Agency: DTRA. Formerly Defense Special Weapons Agency, DSWA.
- h. National Imagery and Mapping Agency: NIMA. Formerly Defense Mapping Agency, DMA.
- i. National Security Agency/Central Security Service: NSA/CSS or NSA.
- j. National Reconnaissance Office: NRO.
- k. Office of the Inspector General, Department of Defense: OIG, DoD.

3. Office of the Secretary of Defense, Chairman of the Joint Chiefs of Staff, Combatant Commands, and Defense Agencies/Activities not listed above: OSD/JS.

4. “Other Reasons” Cited on Initial and Appeal Determinations.

- a. No Records. A reasonable search of files failed to identify records responsive to the request.
- b. Referrals. The request was referred to another DoD Component or Federal Agency for action.
- c. Withdrawn. The request was withdrawn by the requester.
- d. Fee-Related Reason. The requester is unwilling to pay fees associated with the request; the requester is past due in the payment of fees associated with a previous FOIA request; or the requester disagrees with a fee estimate.
- e. Records not Reasonably Described. The request could not be acted upon since the record had not been described with sufficient particularity to enable the DoD Component to locate it by conducting a reasonable search.
- f. Not a Proper FOIA Request for Some Other Reason. The requester has failed unreasonably to comply with legitimate procedural requirements which are not fee-related.
- g. Not an Agency Record. The requested information was not a record within the meaning of the FOIA.
- h. Duplicate Request. A request for the same information by the same requester. This includes identical requests received via different means (e.g., electronic mail, facsimile, mail, courier) at the same or different times.
- i. Other. Any other reason a requester does not comply with published rules, other than those mentioned above.

B. Basic terms, expressed in common terminology.

- 1. Freedom of Information Act/Privacy Act (FOIA/PA) request: A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. All requests for access to records, regardless of which law is cited by the requester (FOIA or PA), are included in this report.
- 2. Initial Request: A request to a federal agency for access to records under the Freedom of Information Act (FOIA).

3. Appeal: A request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal: A request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing: A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing: An agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request: A FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request: A FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant: An agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant: An agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
11. Denial: An agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits: The time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request: A FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute: A separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. Median number: The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. Average number: The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

Item IV.
Exemption 3 Statutes

Court Upheld?	Statute	Types of Material Withheld Under Statute
No	5 USC §574(j)	Administrative Dispute Resolution Act - Dispute resolution communication between a neutral and a party to the dispute
Yes¹	5 USC §7114(b)(4)	Civil Service Reform Act – Representation Rights and Duties, Labor Unions
No	10 USC §128	Authority to Withhold Unclassified Special Nuclear Weapons Information
Yes²	10 USC §130	Authority to Withhold Unclassified Technical Data with Military or Space Application
No	10 USC §424	Protection of Organizational and Personnel Information for DIA, NRO, and NIMA
No	10 USC §455	Maps, Charts, and Geodetic Data; Public Availability
No	10 USC §618(f)	Action on Reports of Selection, Generally for Promotion, Boards
No	10 USC §1102	Confidentiality of Medical Records
No	10 USC §2305(g)	Protection of Contractor Proposals
No	10 USC §2371(i)	Research Projects: Transactions Other Than Contracts and Grants
No	10 USC §2640(h)	Authority to Protect Safety-Related Information Voluntarily Provided by an Air Carrier
No	12 USC §3403	Confidentiality of Financial Records
No	15 USC §3705(e)(E)	Centers for Industrial Technology - Reports of Technology Innovations
No	16 USC §470w-3	National Historic Preservation
Yes³	18 USC §798(a)	Communications Intelligence
Yes⁴	18 USC §5038	Interviews of Juveniles in Criminal Defense
No	21 USC §1175	Drug Abuse Prevention/Rehabilitation

Court Upheld?	Statute	Types of Material Withheld Under Statute
No	22 USC §2778(e) Sec 38(e) of the Arms Export Control Act	Control of Arms Exports
No	31 USC §3730(b)(2)	Civil Actions for False Claims (specifies that materials related to civil complaints filed by private individuals on behalf of the U. S. Government under the False Claims Act will remain under seal for at least 60 days and shall not be served on a defendant until the court so orders).
No	41 USC §423	Procurement Integrity
No	42 USC §290dd-2	Confidentiality of Patient Records
Yes⁵	42 USC §2162(a)	Restricted Data (Atomic Energy), Atomic Energy Act of 1954
No	42 USC §2168(a)(1)(C)	Formerly Restricted Data (Atomic Energy), Atomic Energy Act of 1954
No	50 USC §421	Protection of Identities of US Undercover Intelligence Officers, Agents, Informants and Sources
Yes⁶	50 USC §402 <u>Note</u> Sec 6, P.L. 86-36	NSA Functions and Information
Yes⁷	50 USC §403-3(c)(6) National Security Act of 1947, Subsection 102(d)(3), as amended	Intelligence Sources and Methods
Yes⁸	50 USC §403(g), Section 6 of the CIA Act of 1949	CIA Functions and Information
No	50 USC §435 Note Sec 1082, P.L. 102-190	Disclosure of Information Concerning US Personnel Classified as POW/MIA During Vietnam Conflict (McCain “Truth Bill”)
Yes⁹	50 U.S.C. app. § 2411(c) (1), The Export Administration Act of 1979	Confidentiality of Information Obtained Under the Export Administration Act of 1979

Item IV. Endnotes

¹ Dubin v. Department of the Treasury, 555 F. Supp. 408, 412 (N.D. Ga. 1981), *aff’d*, 697 F.2d 1093 (11th Cir. 1983) (unpublished table decision); NTEU v. OPM, No. 76-695, slip op. at 4 (D.D.C. July 9, 1979).

² Chenkin v. Department of the Army, No. 93-494, 1994 U.S. Dist. LEXIS 20907, at *8 (E.D. Pa. Jan. 14, 1994), *aff’d*, 61 F.3d 894 (3d Cir. 1995) (unpublished table decision); Colonial Trading Corp. v. Department of the Navy,

- 735 F. Supp. 429, 431 (D.D.C. 1990); see also American Friends Serv. Comm. v. DOD, No. 83-4916, 1986 WL 10659, at *4 (E.D. Pa. Sept. 25, 1986), rev'd on other grounds, 831 F.2d 441 (3d Cir. 1987).
- ³ Winter v. NSA, 569 F. Supp. 545, 548 (S.D. Cal. 1983); see also Gilmore v. NSA, No. C 92-3646, 1993 U.S. Dist. LEXIS 7694, at **26-27 (N.D. Cal. May 3, 1993) (finding that information on cryptography currently used by NSA "integrally related" to function and activity of intelligence gathering and thus protected).
- ⁴ McDonnell v. United States, 4 F.3d 1227, 1251 (3d Cir. 1993) (holding state juvenile delinquency records outside scope of statute).
- ⁵ Meeropol v. Smith, No. 75-1121, slip op. at 53-55 (D.D.C. Feb. 29, 1984), aff'd in relevant part & remanded in part sub nom. Meeropol v. Meese, 790 F.2d 942 (D.C. Cir. 1986). But see General Elec. Co. v. NRC, 750 F.2d 1394, 1401 (7th Cir. 1984) (concluding that provision concerning technical information furnished by license applicants lacked sufficient specificity to qualify as Exemption 3 statute).
- ⁶ Founding Church of Scientology v. NSA, 610 F.2d 824, 828 (D.C. Cir. 1979); Hayden v. NSA, 452 F. Supp. 247,252 (D.D.C. 1978), aff'd, 608 F.2d 1381 (D.C. Cir. 1979).
- ⁷ CIA v. Sims, 471 U.S. 159, 167 (1985); see also Minier v. CIA, 88 F.3d 796, 801 (9th Cir. 1996) (finding that agency properly refused to confirm or deny existence of records concerning deceased person's alleged employment relationship with CIA); Maynard v. CIA, 986 F.2d 547, 554 (1st Cir. 1993) (stating that under § 403(d)(3) it is responsibility of Director of CIA to determine whether sources or methods should be disclosed); Krikorian v. Department of State, 984 F.2d 461, 465 (D.C. Cir. 1993) (same); Fitzgibbon v. CIA, 911 F.2d 755, 761 (D.C. Cir. 1990) (same); Hunt v. CIA, 981 F.2d 1116, 1118 (9th Cir. 1992) (upholding agency's "Glomar" response to request on foreign national, because acknowledgement of any records would reveal sources and methods); Knight v. CIA, 872 F.2d 660, 663 (8th Cir. 1989) (same); Levy v. CIA, No. 95-1276, slip op. at 14-17 (D.D.C. Nov. 16, 1995) (same), aff'd, No. 96-5004 (D.C. Cir. Jan. 15, 1997); Roman v. Dailey, No. 97-1164, 1998 U.S. Dist. LEXIS 6708, at **10-11 (D.D.C. May 11, 1998) (concluding that agency properly refused to confirm or deny existence of records pertaining to agency personnel and spy satellite programs); Blazy v. Tenet, 979 F. Supp. 10, 23-24 (D.D.C. 1997) (protecting intelligence sources and methods located in requester's personnel file), summary affirmance granted, No. 97-5330 (D.C. Cir. May 12, 1998); Andrade v. CIA, No. 95-1215, 1997 WL 527347, at **3-5 (D.D.C. Aug. 18, 1997) (holding intelligence methods used in assessing employee fitness protectible); Earth Pledge Found. v. CIA, 988 F. Supp. 623, 627 (S.D.N.Y. 1996) (finding agency's "Glomar" response proper because acknowledgement of records would generate "danger of revealing sources"), aff'd per curiam, 128 F.3d 788 (2d Cir. 1997) (unpublished table decision); Campbell v. United States Dep't of Justice, No. 89-CV-3016, 1996 WL 554511, at *6 (D.D.C. Sept. 19, 1996) ("CIA director is to be afforded 'great deference' by courts determining the propriety of nondisclosure of intelligence sources"); cf. Linder v. DOD, 133 F.3d 17, 25 (D.C. Cir. 1998) ("[C]ourts must give 'great deference' to the Director of Central Intelligence's determination that a classified document could reveal intelligence sources and methods and endanger national security.") (non-FOIA case).
- ⁸ Minier, 88 F.3d at 801; Roman, 1998 U.S. Dist. LEXIS 6708, at **10-11; Blazy, 979 F. Supp. at 23-24; Earth Pledge Found., 988 F. Supp. at 627-28; Campbell, 1996 WL 554511, at *6; Kronisch v. United States, No. 83-2458, 1995 WL 303625, at **4-6 (S.D.N.Y. May 18, 1995); Hunsberger v. CIA, No. 92-2186, slip op. at 3 (D.D.C. Apr. 5, 1995); Rothschild v. CIA, No. 91-1314, 1992 WL 71393, at *2 (D.D.C. Mar. 25, 1992); Lawyers Comm. for Human Rights v. INS, 721 F. Supp. 552, 567 (S.D.N.Y. 1989); Pfeiffer v. CIA, 721 F. Supp. 337, 341-42 (D.D.C. 1989).
- ⁹ Armstrong v. Executive Office of the President, No. 89-142, slip op. at 30-35 (D.D.C. July 28, 1995) (protecting information from export license application under Export Administration Act as Exemption 3 statute even though statute had lapsed and its provisions were extended by executive order); Africa Fund v. Mosbacher, No. 92 Civ. 289, 1993 WL 183736, at *6 (S.D.N.Y. May 26, 1993) (holding that Export Administration Act protection applied to agency denial made after Act expired and before subsequent reextension); Lessner v. United States Dep't of Commerce, 827 F.2d 1333, 1336-37 (9th Cir. 1987) (construing statute as effective in 1987).

Item V.

Initial FOIA/PA Access Requests

A. Numbers of initial requests.

- | | |
|--|--------|
| 1. Number of requests pending as of end of preceding fiscal year (1 Oct 98): | 10,240 |
| 2. Number of requests received during current fiscal year (FY 1999): | 98,338 |
| 3. Number of requests processed during current fiscal year (FY 1999): | 97,171 |
| 4. Number of requests pending as of end of current fiscal year (30 Sep 99): | 11,407 |

B. Disposition of initial requests.

- | | |
|---|--------|
| 1. Number of grants: | 57,221 |
| 2. Number of partial grants: | 11,742 |
| 3. Number of denials: | 2,147 |
| a. Number of times each FOIA exemption used (counting each exemption once per request). | |
| (1) Exemption 1: | 1,423 |
| (2) Exemption 2: | 1,149 |
| (3) Exemption 3: | 1,074 |
| (4) Exemption 4: | 1,124 |
| (5) Exemption 5: | 2,179 |
| (6) Exemption 6: | 7,341 |
| (7) Exemption 7(A): | 323 |
| (8) Exemption 7(B): | 22 |
| (9) Exemption 7(C): | 4,035 |
| (10) Exemption 7(D): | 738 |
| (11) Exemption 7(E): | 407 |
| (12) Exemption 7(F): | 25 |

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for nondisclosure (total):

a. No records:	9,052
b. Referrals:	10,445
c. Request withdrawn:	3,136
d. Fee-related reason:	2,969
e. Records not reasonably described:	1,811
f. Not a proper FOIA request for some other reason:	2,504
g. Not an agency record:	1,675
h. Duplicate request:	906
i. Other (specify*):	649

* Note: See table on page 20.

Item VI.

Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year (FY 1999):	1,091
2. Number of appeals processed during fiscal year (FY 1999):	1,064

B. Disposition of appeals.

1. Number denied in full:	575
2. Number denied in part:	177
3. Number completely reversed (granted):	50

a. Number of times each FOIA exemption used (counting each exemption once per appeal).

(1) Exemption 1:	84
(2) Exemption 2:	47
(3) Exemption 3:	53
(4) Exemption 4:	38
(5) Exemption 5:	195
(6) Exemption 6:	274
(7) Exemption 7(A):	39
(8) Exemption 7(B):	3
(9) Exemption 7(C):	174
(10) Exemption 7(D):	22
(11) Exemption 7(E):	4
(12) Exemption 7(F):	1
(13) Exemption 8:	0
(14) Exemption 9:	0

4. Other reasons for nondisclosure (total):

a. No records:	111
b. Referrals:	61
c. Request withdrawn:	105
d. Fee-related reason:	15
e. Records not reasonably described:	1
f. Not a proper FOIA request for some other reason:	6
g. Not an agency record:	2
h. Duplicate request:	2

i. Other (specify*): 7

* Note: See table on page 25.

Item VII.

Compliance With Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year (FY 1999).

1. Simple requests.

a. Number of requests processed: 78,846

b. Median number of days to process: 20

2. Complex requests.

a. Number of requests processed: 17,228

b. Median number of days to process: 66

3. Requests accorded expedited processing.

a. Number of requests processed: 1,097

b. Median number of days to process: 7

B. Status of pending requests (as of: 30 Sep 99).

1. Number of requests pending: 11,407

2. Median age of above cases in days: 90

Item VIII.

Comparison With Previous Year

(Optional, Not Used)

Item IX.

Costs/FOIA Staffing

A. Staffing levels (expressed in work-years).

1. Number of full-time FOIA personnel:	298.00
2. Number of personnel with part-time or occasional FOIA duties:	478.29
3. Total number of personnel:	776.29

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals):	\$32,277,432.99
2. Litigation-related activities (estimated):	\$340,746.34
3. Total costs:	\$32,618,179.33

Item X.

Fees

- A. Total amount of fees collected by the agency for processing requests: \$834,816.22
- B. Percentage of total costs: 2.6%

Item XI.

FOIA Regulations (Including Fee Schedule)

- A. The Department of Defense (DoD) Freedom of Information Act Program Regulation, DoD 5400.7-R, September 4, 1998, which provides guidance regarding administration of the Freedom of Information Act (FOIA) Program within the Department of Defense (DoD), can be found at:

<http://web7.whs.osd.mil/html/54007r.htm>

- B. The Fee Schedule is Chapter 6 of the above regulation.
- C. Additional Department of Defense FOIA documents and hyperlinks can be found by accessing the following Universal Resource Locator (URL):

<http://www.defenselink.mil/pubs/foi/>

Tabular Information

For

DoD Components

While not required, the tables on the pages that follow provide additional information for DoD components.

Table for Item V., Part A.

Numbers of Initial Requests

Component	Number Pending 1-Oct-98	Number Received FY 1999	Total Processed FY 1999	Number Pending 30-Sep-99
OSD/JS	1,777	3,384	3,196	1,965
Dept Army	2,438	35,079	34,917	2,600
Dept Navy	1,054	22,603	22,557	1,100
Dept Air Force	1,507	16,728	16,461	1,774
DCAA	21	97	97	21
DFAS	104	3,516	3,516	104
DIA	1,781	1,215	661	2,335
DSS	31	147	147	31
DISA	87	464	427	124
DLA	594	13,159	13,207	546
DTRA	149	228	268	109
NIMA	44	202	197	49
NRO	42	103	108	37
NSA/CSS	540	1,111	1,054	597
OIG, DOD	71	302	358	15
DOD Totals	10,240	98,338	97,171	11,407

Notes: The fiscal year (FY) period covered by this report is FY 1999,
1 October 1998 through 30 September 1999.

Total cases processed may exceed number of cases received
due to processing backlogged cases during the report period

Table for Item V., Part B.

Disposition of Initial Requests

Component	Total Processed	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	3,196	1,163	435	226	1,520	3,344
Dept Army	34,917	20,692	5,321	620	11,487	38,120
Dept Navy	22,557	11,862	3,329	690	8,181	24,062
Dept Air Force	16,461	7,952	1,629	301	6,757	16,639
DCAA	97	40	8	4	45	97
DFAS	3,516	2,429	33	36	1,000	3,498
DIA	661	173	386	133	203	895
DSS	147	59	38	10	40	147
DISA	427	216	27	4	194	441
DLA	13,207	12,222	108	25	920	13,275
DTRA	268	76	56	3	144	279
NIMA	197	87	26	69	106	288
NRO	108	7	31	20	50	108
NSA/CSS	1,054	205	163	135	615	1,118
OIG, DOD	358	47	152	51	108	358
DOD Totals	97,171	57,230	11,742	2,327	31,370	102,669

* Please Note: 1. More than one action can be taken on each Initial Request.
2. Multiple "Other" actions can be taken on a single Initial Request.
See page 19, "Other Reasons Cited on Initial Determinations for Nondisclosure."

Table for Item V., Part B., Number 3.

Exemptions Invoked on Initial Denials

Component	Exemptions by Number (5 U.S.C. §552(b))														Total*
	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)	
OSD/JS	201	46	60	53	75	162	5	0	10	2	0	0	0	0	614
Dept Army	449	680	161	450	947	3,882	59	12	2,011	565	359	4	0	0	9,579
Dept Navy	132	129	152	375	564	1,894	160	7	1,082	33	10	17	0	0	4,555
Dept Air Force	176	87	261	145	505	1,075	44	3	745	128	32	3	0	0	3,204
DCAA	0	0	0	6	5	5	0	0	0	0	0	0	0	0	16
DFAS	0	2	0	0	13	43	0	0	0	0	0	0	0	0	58
DIA	203	152	74	3	1	96	0	0	1	0	0	0	0	0	530
DSS	4	8	0	2	3	16	0	0	9	2	0	0	0	0	44
DISA	0	4	7	20	5	0	0	0	0	0	0	0	0	0	36
DLA	0	18	18	27	30	59	7	0	37	2	5	1	0	0	204
DTRA	18	2	29	24	1	17	0	0	0	0	0	0	0	0	91
NIMA	12	0	4	1	0	10	0	0	0	0	0	0	0	0	27
NRO	30	0	30	0	0	7	0	0	1	0	0	0	0	0	68
NSA/CSS	198	17	275	11	14	29	0	0	5	0	0	0	0	0	549
OIG, DOD	0	4	3	7	16	46	48	0	134	6	1	0	0	0	265
DOD Totals	1,423	1,149	1,074	1,124	2,179	7,341	323	22	4,035	738	407	25	0	0	19,840
Percent of Total	7%	6%	5%	6%	11%	37%	2%	0%	20%	4%	2%	0%	0%	0%	100%

* Please note: 1. More than one exemption may be used to deny information on any single request.
2. Rounded to nearest whole percentage point which is sometimes zero, 0%.

Table for Item V., Part B., Number 4.
Other Reasons Cited on Initial Determinations for Nondisclosure

Component	Category*									Total
	1	2	3	4	5	6	7	8	9	
OSD/JS	298	794	396	43	109	16	5	40	9	1,710
Dept Army	3,922	3,504	1,030	572	532	511	1,195	335	249	11,850
Dept Navy	1,630	2,393	794	1,870	240	1,804	105	200	177	9,213
Dept Air Force	2,092	2,615	683	330	524	132	233	146	2	6,757
DCAA	19	16	1	2	6	0	1	0	0	45
DFAS	186	453	18	7	212	15	16	2	91	1,000
DIA	133	52	2	0	2	4	2	8	0	203
DSS	18	15	3	0	2	0	3	0	0	41
DISA	42	102	4	22	19	3	0	2	0	194
DLA	368	167	143	33	72	11	45	103	0	942
DTRA	44	66	16	8	0	2	0	6	2	144
NIMA	22	0	5	12	12	3	5	5	4	68
NRO	37	3	3	4	0	6	0	0	0	53
NSA/CSS	211	209	35	52	79	0	64	59	115	824
OIG, DOD	30	56	3	14	5	0	0	0	0	108
DOD Totals	9,052	10,445	3,136	2,969	1,814	2,507	1,674	906	649	33,152

Note: See Item III., Definitions of Terms and Acronyms Used In Report, for definitions of categories below:

- | | |
|---|---------------------------|
| 1. No records. | 7. Not an Agency Record. |
| 2. Referrals. | 8. Duplicate Request. |
| 3. Withdrawn. | 9. Other (See next page). |
| 4. Fee-Related Reason | |
| 5. Records not Reasonably Described. | |
| 6. Not a proper FOIA Request for Some Other Reason. | |

Table for Item V., Part B., Number 4., Supplemental

"Specific" Other Reasons Cited on Initial Determinations for Nondisclosure

Component	Other Specific Reason*									Total
	Electronic Referral	Insufficient Address/Info	Lacked 3d Party Waiver	Publicly Sold Document	Direct NPRC Referral	Non-Attribution	Improper Referrals	NARA Referral	Not Agency Issue	
OSD/JS					2			5	2	9
Dept Army		2	7	12	173	4	51			249
Dept Navy	38	9			68		6	42	14	177
Dept Air Force		2								2
DFAS		20					71			91
DTRA		2								2
NIMA				4						4
NSA/CSS		93				22				115
DOD Totals	38	128	7	16	243	26	128	47	16	649

Note: See Definition of terms on the following page.

Item V., Part B., Number 4., Supplemental (Continued)

“Specific” Other Reasons Cited on Initial Determinations for Nondisclosure Explained

Electronic Referral: Requested information available on Internet and the requester was apprised of the Internet address.

Insufficient Address/Info: The requester provided an insufficient or inaccurate address and could not be contacted. The requester did not respond to inquiry from the FOI Office requesting clarification of their request.

Lacked 3d Party Waiver: A third party (e.g., an attorney) making a request on behalf of someone else failed to provide an authorization from the requester which would allow the third party access to the requester’s records.

Publicly Sold Document: Requested material was available through cash sales and the requester was advised how to purchase.

Direct NPRC Referral: Requested concerned military service records of former service members. Requests were returned to the requester along with blank a form SF-180 and suggestion that they complete the form and submit directly to the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA), St. Louis, MO.

Non-Attribution: The agency’s involvement in a referral action would itself compromise national security matters which are properly classified.

Improper Referrals: Referrals were returned to the referring agency/activity without action for correction because they were incorrect or incomplete.

NARA Referral: Requested records were no longer under control of the referred agency. Requesters were directed to contact NARA directly.

Not Agency Issue: Requested documents did not pertain to the agency.

Table for Item VI., Part A.

Numbers of Appeals

Component	Received FY 1999	Total Processed
OSD/JS	88	80
Dept Army	220	220
Dept Navy	443	413
Dept Air Force	148	153
DCAA	5	5
DFAS	6	6
DIA	56	46
DSS	6	6
DISA	3	3
DLA	22	22
DTRA	3	4
NIMA	3	9
NRO	11	11
NSA/CSS	54	54
OIG, DOD	23	32
DOD Totals	1,091	1,064

Note: Total cases processed may exceed number of cases received
due to processing backlogged cases during the report period

Table for Item VI., Part B.

Disposition of Appeals

Component	Total Processed	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	80	8	23	22	29	82
Dept Army	220	6	12	157	45	220
Dept Navy	413	12	78	209	114	413
Dept Air Force	153	1	19	124	9	153
DCAA	5	2	2	0	1	5
DFAS	6	3	3	0	0	6
DIA	46	0	13	30	3	46
DSS	6	0	4	2	0	6
DISA	3	0	1	0	2	3
DLA	22	5	4	7	7	23
DTRA	4	1	1	1	1	4
NIMA	9	0	0	3	6	9
NRO	11	1	3	3	4	11
NSA/CSS	54	8	6	14	26	54
OIG, DOD	32	3	8	3	18	32
DOD Totals	1,064	50	177	575	265	1,067

- * Please Note: 1. More than one action can be taken on each Appeal.
2. Multiple "Other" actions can be taken on a single Appeal.
See page 25, "Other Reasons Cited on Appeal Determinations for Nondisclosure."

Table for Item VI., Part B., Number 3.

Exemptions Invoked on Appeal Denials

Component	Exemptions by Number (5 U.S.C. §552(b))														Total*
	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)	
OSD/JS	15	1	4	0	6	5	0	0	0	0	0	0	0	0	31
Dept Army	13	20	1	23	36	72	21	0	36	11	0	0	0	0	233
Dept Navy	13	3	2	2	95	115	15	2	78	4	0	0	0	0	329
Dept Air Force	15	1	14	5	50	72	0	0	35	4	2	1	0	0	199
DCAA	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
DFAS	0	0	0	1	1	3	0	0	1	0	0	0	0	0	6
DIA	20	20	16	0	0	1	0	0	0	0	0	0	0	0	57
DSS	1	0	0	0	1	2	0	0	2	2	0	0	0	0	8
DISA	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
DLA	0	1	0	4	4	0	1	0	1	0	0	0	0	0	11
DTRA	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
NIMA	0	0	2	1	1	0	0	1	0	0	0	0	0	0	5
NRO	6	0	0	0	0	0	0	0	0	0	0	0	0	0	6
NSA/CSS	15	1	17	0	0	1	0	0	0	0	0	0	0	0	41
OIG, DOD	1	1	0	0	7	7	2	0	20	1	2	0	0	0	41
DOD Totals	84	47	53	38	195	274	39	3	174	22	4	1	0	0	941
Percent of Total	10%	5%	6%	4%	21%	29%	4%	0%	18%	2%	0%	0%	0%	0%	100%

- * Please note: 1. More than one exemption may be used to deny information on any single appeal.
2. Rounded to nearest whole percentage point which is sometimes zero, 0%.

Table for Item VI., Part B., Number 4.
Other Reasons Cited on Appeal Determinations for Nondisclosure

Component	Category*									Total
	1	2	3	4	5	6	7	8	9	
OSD/JS	20	5	23	0	0	1	0	0	0	49
Dept Army	12	24	9	0	0	0	0	0	0	45
Dept Navy	50	17	65	9	1	3	2	2	0	149
Dept Air Force	0	0	5	0	0	1	0	0	3	9
DCAA	0	1	0	0	0	0	0	0	0	1
DFAS	0	0	0	0	0	0	0	0	0	0
DIA	3	0	0	0	0	0	0	0	0	3
DSS	0	0	0	0	0	0	0	0	0	0
DISA	1	0	1	0	0	0	0	0	0	2
DLA	2	4	1	0	0	0	0	0	0	7
DTRA	0	1	0	0	0	0	0	0	0	1
NIMA	0	0	0	0	0	0	0	0	0	0
NRO	4	0	0	0	0	0	0	0	0	4
NSA/CSS	18	0	0	6	0	1	0	0	1	26
OIG, DOD	1	9	1	0	0	0	0	0	3	14
DOD Totals	111	61	105	15	1	6	2	2	7	310

Note: See Item III., Definitions of Terms and Acronyms Used In Report, for definitions of categories below:

- | | |
|---|--------------------------------------|
| 1. No records. | 7. Not an Agency Record. |
| 2. Referrals. | 8. Duplicate Request. |
| 3. Withdrawn. | 9. Other: |
| 4. Fee-Related Reason | Appeal not submitted within required |
| 5. Records not Reasonably Described. | time frame - 7 instances. |
| 6. Not a proper FOIA Request for Some Other Reason. | |

Table for Item VII. Part A.

Median Processing Times **for** **Initial Requests Processed During the Year**

Component	Total Requests	Simple Requests	Simple Median Age	Complex Requests	Complex Median Age	Expedited Requests	Expedited Median Age
OSD/JS	3,196	2,934	17	255	26	7	10
Dept Army	34,917	26,573	17	7,903	38	441	7
Dept Navy	22,557	17,762	13	4,374	39	421	12
Dept Air Force	16,461	13,256	20	3,090	66	115	12
DCAA	97	97	16	0	0	0	0
DFAS	3,516	3,270	30	228	90	18	5
DIA	661	172	18	449	302	40	10
DSS	147	22	4	108	42	17	7
DISA	427	366	53	61	48	0	0
DLA	13,207	12,867	12	315	37	25	6
DTRA	268	20	52	247	101	1	50
NIMA	197	85	39	112	99	0	0
NRO	108	72	21	36	148	0	0
NSA/CSS	1,054	1,000	28	42	1,047	12	273
OIG, DOD	358	350	60	8	127	0	0
DOD Totals	97,171	78,846	20.0	17,228	66.0	1,097	7.0

Note: The number of calendar days, not work days, elapsed between the date requests were perfected and completed is reflected in the above median calculations.

Table for Item VII., Part B.

Status of Pending Requests

Component	End Report Period 30 September 1999	
	Number Pending	Median Age
OSD/JS	1,965	486
Dept Army	2,600	28
Dept Navy	1,100	23
Dept Air Force	1,774	79
DCAA	21	69
DFAS	104	90
DIA	2,335	733
DSS	31	67
DISA	124	92
DLA	546	22
DTRA	109	101
NIMA	49	137
NRO	37	689
NSA/CSS	597	753
OIG, DOD	15	48
DOD Totals	11,407	90

Note: The number of calendar days, not work days, elapsed between the date requests were perfected and the date indicated (30 September 1999) is reflected in the above median calculations.

Table for Item IX.

FOIA Staffing/Costs

Component	Full-Time Personnel	Part-Time Personnel	Total Personnel	FOIA Processing Cost	Litigation Cost	Total Program Cost
OSD/JS	14.74	25.54	40.28	\$2,574,429.57	\$30,846.90	\$2,605,276.47
Dept Army	84.2	161.87	246.07	\$9,824,479.54	\$132,891.40	\$9,957,370.94
Dept Navy	68.85	204.04	272.89	\$8,949,222.71	\$32,048.96	\$8,981,271.67
Dept Air Force	60.08	65	125.08	\$5,341,486.00	\$5,000.00	\$5,346,486.00
DCAA	2.25	0	2.25	\$187,552.43	\$0.00	\$187,552.43
DFAS	17	5.5	22.5	\$373,942.24	\$70,000.00	\$443,942.24
DIA	5	0	5	\$359,013.00	\$7,500.00	\$366,513.00
DSS	3	0	3	\$93,410.00	\$0.00	\$93,410.00
DISA	0	2.83	2.83	\$212,652.68	\$0.00	\$212,652.68
DLA	10.08	4.81	14.89	\$1,121,328.00	\$3,000.00	\$1,124,328.00
DTRA	4.7	0	4.7	\$418,871.80	\$3,000.00	\$421,871.80
NIMA	2	7	9	\$139,746.00	\$1,583.00	\$141,329.00
NRO	5	0.5	5.5	\$438,500.00	\$0.00	\$438,500.00
NSA/CSS	17	1.2	18.2	\$1,890,683.92	\$54,876.08	\$1,945,560.00
OIG, DOD	4.1	0	4.1	\$352,115.10	\$0.00	\$352,115.10
DOD Totals	298	478.29	776.29	\$32,277,432.99	\$340,746.34	\$32,618,179.33